

### **Amendment to the Claims**

This listing of claims will replace all prior versions and listings of claims in the application:

#### **Listing of Claims:**

1. (Currently Amended) An isolated nucleic acid comprising an isolated avian ovomucoid gene expression control region comprising the nucleic acid sequence in SEQ ID NO: 26, ~~or a degenerate variant thereof~~ or a portion thereof.

Claims 2-3 (Canceled).

4. (Original) The isolated nucleic acid of Claim 1 comprising a sequence at least 75% identical to SEQ ID NO: 26.

5. (Original) The isolated nucleic acid of Claim 1 comprising a sequence at least 95% identical to SEQ ID NO: 26.

6. (Original) The isolated nucleic acid of Claim 1 comprising a sequence at least 99% identical to SEQ ID NO: 26.

7. (Original) A recombinant DNA molecule comprising an isolated avian ovomucoid gene expression control region operably linked to a nucleic acid insert encoding a polypeptide.

Claims 8-9 (Canceled).

10. (Currently Amended) The recombinant DNA molecule of Claim 7, wherein the ovomucoid gene expression control region comprises the nucleic acid sequence in SEQ ID NO: 26, ~~or a degenerate variant thereof~~ or a portion thereof.

11. (Original) The recombinant DNA molecule of Claim 7, further comprising a polyadenylation signal sequence.

12. (Currently Amended) The recombinant DNA molecule of Claim 11, wherein the polyadenylation signal sequence is ~~derived~~ isolated from the SV40 virus.

13. (Original) The recombinant DNA molecule of Claim 7, wherein the nucleic acid insert encoding a polypeptide has a codon complement optimized for protein expression in an avian.

14. (Original) The recombinant DNA molecule of Claim 7, wherein the nucleic acid insert encodes an interferon  $\alpha 2b$  polypeptide.

15. (Original) The recombinant DNA molecule of Claim 7, further comprising an origin of replication selected from a bacterial origin of replication or a viral origin of replication.

16. (Original) The recombinant DNA molecule of Claim 15, wherein the recombinant DNA molecule is a plasmid.

17. (Original) The recombinant DNA molecule of Claim 15, wherein the recombinant DNA molecule is a virus.

18. (Original) An expression vector that integrates into a host cell and comprising an isolated avian ovomucoid gene expression control region operably linked to a nucleic acid encoding a polypeptide, wherein the expression control region directs production of a transcript.

Claims 19-20 (Canceled).

21. (Currently Amended) The expression vector of Claim 18, wherein the ovomucoid gene expression control region comprises the nucleic acid sequence in SEQ ID NO: 26, ~~or a degenerate variant thereof~~ or a portion thereof.

22. (Original) The expression vector of Claim 18, further comprising a polyadenylation signal sequence.

23. (Currently Amended) The expression vector of Claim ~~21~~ 22, wherein the polyadenylation signal sequence is ~~derived~~ isolated from the SV40 virus.

24. (Original) The expression vector of Claim 18, wherein the nucleic acid insert encoding a polypeptide has a codon complement optimized for protein expression in an avian.

25. (Original) The expression vector of Claim 18, wherein the nucleic acid insert encodes an interferon  $\alpha 2b$  polypeptide.

26. (Original) The expression vector of Claim 18, wherein the expression vector is selected from the group consisting of a plasmid and a virus.

27. (Currently Amended) A method of expressing a heterologous polypeptide in a host cell, comprising the steps of:

(a) transfecting a eukaryotic cell with a recombinant DNA molecule comprising an avian ovomucoid gene expression control region operably linked to a polynucleotide encoding a heterologous polypeptide, thereby generating a transfected cell;

(b) culturing the transfected cell in a medium suitable for expression of a heterologous polypeptide under the control of an avian ovomucoid gene expression control region encoded by the recombinant DNA molecule.

28. (Currently Amended) The method of expressing a heterologous polypeptide in a host cell of Claim 27, wherein the eukaryotic cell is ~~derived~~ isolated from an avian.

29. (Currently Amended) The method of expressing a heterologous polypeptide in a host cell of Claim 27, wherein the eukaryotic cell is ~~derived~~ isolated from a chicken.

30. (Currently Amended) A An isolated eukaryotic cell transformed with the expression vector according to Claim 18, or a progeny of the cell, wherein the cell, or the progeny thereof, is a cultured cell expressing ~~expresses~~ a heterologous polypeptide.

31. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the cell is an avian cell.

32. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the cell is a chicken cell.

33. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the cell is an oviduct cell of a chicken.

34. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the cell is an oviduct cell of a quail.

Claim 35 (Canceled).

36. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the expression vector has a nucleic acid insert encoding a polypeptide, and wherein the nucleic acid insert has a codon complement optimized for protein expression in an avian.

37. (Currently Amended) The isolated eukaryotic cell of Claim 30, wherein the nucleic acid insert encodes an interferon  $\alpha 2b$  polypeptide.

38. (Withdrawn) A transgenic avian having a heterologous polynucleotide sequence comprising a nucleic acid insert encoding the heterologous polypeptide and operably linked to an avian ovomucoid gene expression control region.

39. (Withdrawn) The transgenic avian of Claim 38, wherein the avian is selected from the group consisting of a chicken, a turkey, a duck, a goose, a quail, a pheasant, a ratite, an ornamental bird or a feral bird.

40. (Withdrawn) The transgenic avian of Claim 38, wherein the avian is a chicken.

41. (Withdrawn) The transgenic avian of Claim 38, wherein the ovomucoid gene expression control region comprises the nucleic acid sequence in SEQ ID NO: 26, or a degenerate variant thereof.

42. (Withdrawn) The transgenic avian of Claim 38, wherein the transgenic avian further comprises a polyadenylation signal sequence.

43. (Withdrawn) The transgenic avian of Claim 38, wherein the polyadenylation signal sequence is derived from the SV40 virus.

44. (Withdrawn) The transgenic avian of Claim 38, wherein the nucleic acid insert encoding a polypeptide has a codon complement optimized for protein expression in an avian.

45. (Withdrawn) The transgenic avian of Claim 38, wherein the nucleic acid insert encodes an interferon  $\alpha 2b$  polypeptide.

46. (Withdrawn) The transgenic avian of Claim 38, wherein the transgenic avian produces the heterologous polypeptide in the serum or an egg white.

47. (Withdrawn) The transgenic avian of Claim 38, wherein the transgenic avian produces the heterologous polypeptide in an egg white.

48. (Withdrawn) An isolated nucleic acid having a codon complement optimized for protein expression in an avian.

49. (Withdrawn) The isolated nucleic acid of Claim 48, wherein the avian is a chicken.

50. (Withdrawn) The isolated nucleic acid of Claim 49, wherein the nucleic acid insert encodes an interferon  $\alpha 2b$  polypeptide.

51. (New) The isolated nucleic acid of Claim 1 comprising a sequence at least 80% identical to SEQ ID NO: 26.

52. (New) The isolated nucleic acid of Claim 1 comprising a sequence at least 85% identical to SEQ ID NO: 26.

53. (New) The isolated nucleic acid of Claim 1 comprising a sequence at least 90% identical to SEQ ID NO: 26.